

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

July 6, 2015

The Honorable Daniel Levinson
Inspector General
Department of Health and Human Services
Washington, DC 20201

Dear Mr. Levinson:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee on Energy and Commerce is examining the adequacy of federal select agent oversight in light of inadvertent shipments of live anthrax from a laboratory at the Department of Defense (DOD) Dugway Proving Ground (DPG) that have occurred over the last 10 years.

We are writing to obtain baseline information about enforcement of the federal select agent program (FSAP). On May 28, 2015, *USA Today* reported – based on information provided by the CDC – that since 2003, the CDC had referred 79 labs for potential enforcement actions by the HHS Office of Inspector General (OIG), with fines levied against 19 entities totaling more than \$2.5 million. The article also noted that five laboratories had multiple referrals for enforcement actions, two labs were kicked out of the program, five labs were suspended from doing any select agent research, and seven labs were currently under a performance improvement plan. The committee seeks to confirm this information and obtain more details from OIG.

To assist the committee, please provide the following by July 20, 2015:

Since 2003,

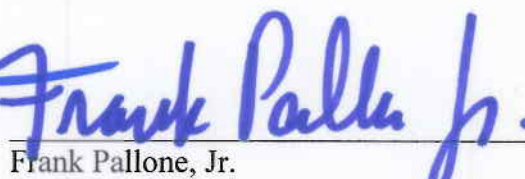
1. How many referrals for FSAP enforcements actions have been received by the OIG?
2. How many entities were referred for potential FSAP enforcement action?


3. How many entities were levied civil money penalties as a result of the FSAP enforcement action, and what was the total amount of civil money penalties collected? Were any of these federal government entities? If so, which ones?
4. How many entities had multiple FSAP referrals? Please list the entities.
5. How many entities had multiple FSAP violations? Please list the entities.
6. How many entities were kicked out of the FSAP? Please list the entities, and explain why these entities were kicked out of the FSAP.
7. How many entities are or were suspended from doing any select agent research? Please list the entities and explain why each of these entities was suspended, the period of suspension, and the reason for reinstatement.
8. How many entities are under a FSAP performance improvement plan? Please list the entities and explain why the entities were under a performance improvement plan.
9. Please provide a chart detailing the cases in which the OIG levied civil money penalties including the following information: name of the entity, date of the violation, amount of the fine, whether the fine was actually collected, and nature of the violation.
10. How many referrals for FSAP criminal investigations has OIG made to the Federal Bureau of Investigation (FBI)? Does OIG receive any information from the FBI about the outcomes of these referrals? If yes, what were the outcomes of these referrals?

Your prompt assistance is appreciated. If you have any questions, please contact Alan Slobodin of the majority committee staff at (202) 225-2927 or Una Lee of the minority committee staff at (202) 225-3641.

Sincerely,


Fred Upton
Chairman


Frank Pallone, Jr.
Ranking Member


Tim Murphy
Chairman
Subcommittee on Oversight and
Investigations


Diana DeGette
Ranking Member
Subcommittee on Oversight and
Investigations